

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wolfgang Kentner et al.
Application Number: 10/544,285
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Group Art Unit: 3744
Examiner: NORMAN, MARC E.
Title: REFRIGERATION APPLIANCE

Mail Stop Appeal Brief - Patents
Commissioner for Patents
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REPLY BRIEF

Pursuant to 37 CFR 41.41, Appellants hereby file a reply brief in response to the Examiner's Answer dated January 19, 2010, in the above-identified application, within the 2-month reply deadline.

Please charge Deposit Account No. 502786 for any deficiency or overpayment.

Table of Contents

(1)	REAL PARTY IN INTEREST	3
(2)	RELATED APPEALS AND INTERFERENCES	3
(3)	STATUS OF CLAIMS.....	3
(4)	STATUS OF AMENDMENTS.....	3
(5)	SUMMARY OF CLAIMED SUBJECT MATTER.....	3
(6)	GROUND OF REJECTION TO BE REVIEWED ON APPEAL.....	6
(7)	ARGUMENT	7
(8)	CONCLUSION	26
	CLAIMS APPENDIX	27
	EVIDENCE APPENDIX	31
	RELATED PROCEEDINGS APPENDIX	32

(1) REAL PARTY IN INTEREST

The real party in interest is BSH Bosch und Siemens Hausgeräte GmbH.

(2) RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) STATUS OF CLAIMS

Claims 14-27 are pending in the present application. Claims 1-13 were canceled. The final rejections of claims 14-27 are being appealed. Claims 14 and 27 are independent.

(4) STATUS OF AMENDMENTS

There are no outstanding Amendments.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

In conventional refrigeration appliance housings, the inner cavity commonly can be used to mount electronic parts that control the function of the refrigeration appliance. These electronic components must be connected electrically to a plurality of structural groups of the appliance, thereby increasing the costs to manufacture the appliance.

In stark contrast, an exemplary embodiment of the present invention, as recited by, for example, independent claim 14, is directed to a refrigeration appliance (see, e.g., page 4, lines 25-26; Figure 1), comprising

an insulated housing (1) (see, e.g., page 4, lines 25-29; Figure 1);

said insulated housing (1) enclosing an inner area (6) (see, page 4, lines 29-30; page 5, lines 4-8; Figure 1);

said inner area (6) enclosed by a door (2) (see, page 4, lines 25-30; page 5, lines 4-8; Figure 1);

a carrier module (13) located on said insulated housing (1) (see, page 5, lines 9-14; Figures 1, 3, and 5); and

said carrier module (13) including a control circuit (20) for controlling the refrigerating capacity of the refrigeration appliance in said inner area (6) depending on a temperature measuring signal related to the temperature in said inner area (6) (see, page 6, lines 2-9; Figures 1, 2, and 4), at least one of an operating element for adjusting an operational parameter of said refrigeration appliance and a display element for displaying an operational parameter of said refrigeration appliance (see, e.g., page 5, lines 32-35; page 6, lines 1-9), and at least one illuminating agent (38) for illuminating at least some of said inner area (6) (see, e.g., page 6, lines 11-16; page 8, lines 8-11; Figures 2, 4, and 6).

Another exemplary embodiment of the present invention, as recited by, for example, independent claim 27, is directed to a refrigeration appliance (see, e.g., page 4, lines 25-26; Figure 1), comprising:

an insulated housing (1) (see, e.g., page 4, lines 25-29; Figure 1);

said insulated housing (1) enclosing an inner area (6) (see, page 4, lines 29-30; page 5, lines 4-8; Figure 1);

said inner area (6) enclosed by a door (2) (see, page 4, lines 25-30; page 5, lines 4-8; Figure 1);

a compartment (12) formed in an upper cover (9) of said insulated housing (1) (see, e.g., page 5, lines 4-8; Figure 1);

a carrier module (13) located in said insulated housing compartment (12) (see, e.g., page 5, lines 8-14; Figure 1);

said carrier module (13) including a control circuit (20) for controlling the refrigerating capacity of the refrigeration appliance in said inner area (6) depending on a temperature measuring signal related to the temperature in said inner area (6) (see, e.g., page 6, lines 2-9; Figures 1, 2, and 4), at least one of an operating element for adjusting an operational parameter of said refrigeration appliance and a display element for displaying an operational parameter of said refrigeration appliance (see, e.g., page 5, lines 32-35; page 6, lines 1-9), and at least one illuminating agent (38) for illuminating at least some of said inner area (6) (see, e.g., page 6, lines 11-16; page 8, lines 8-11; Figures 2, 4, and 6); and

said carrier module (13) including at least one window (33, 34) formed therein through which said inner area (6) can be lit up by said illuminating agent (38) (see, e.g., page 6, lines 11-16; page 7, lines 31-35; page 8, lines 1-20; Figures 2, 4, and 6).

In this manner, the present invention provides a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module into by which the overall manufacture of a refrigeration appliance can be considerably simplified. The present invention can reduce the installation of supply lines for these functional elements through the insulating foam layer, reduce assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

- a. Whether claims 14-17, 21, and 24-27 are anticipated under 35 U.S.C. § 102(e) by, or alternatively, are unpatentable under 35 U.S.C. § 103(a) over, the Miozza et al reference (US 6,880,949).
- b. Whether claim 18 is unpatentable under 35 U.S.C. § 103(a) over the Miozza et al reference in view of the Bourner reference (US 4,285,391).
- c. Whether claim 19 is unpatentable under 35 U.S.C. § 103(a) over the Miozza et al reference in view of the Graf reference (DE 3404256).
- d. Whether claim 20 is unpatentable under 35 U.S.C. § 103(a) over the Miozza et al reference, the Graf reference, and further in view of the Meuer reference (US 2,206,102).

- e. Whether claims 22 and 23 are unpatentable under 35 U.S.C. § 103(a) over the Miozza et al reference in view of the Lee et al reference (US 2002/0071903).

(7) ARGUMENT

- a. Claims 14-17, 21, and 24-27 are patentable under 35 U.S.C. § 102(e) and 103(a) over the Miozza et al reference (US 6,880,949).

In the Office Action, claims 14-17, 21, and 24-27 are rejected under 35 U.S.C. § 102(e) as being anticipated by, or alternatively under 35 U.S.C. § 103(a) as being unpatentable over, the Miozza et al reference (US 6,880,949).

Appellants respectfully traverse these rejections.

Independent claim 14

Appellants respectfully submit that the Miozza et al reference very clearly does not disclose or suggest the features of the claimed invention including a carrier module located *on* the insulated housing, the carrier module including a control circuit for controlling the refrigerating capacity of the refrigeration appliance in the inner area depending on a temperature measuring signal related to the temperature in the inner area, at least one of an operating element for at least one of adjusting an operational parameter of the refrigeration appliance and a display element for displaying an operational parameter of the refrigeration appliance, and at least one illuminating agent for illuminating at least some of the inner area, as recited in independent claim 14. Emphasis added.

As explained above, these features are important for providing a compact, integral arrangement of functional elements on a carrier module *that allows assembly of the modules using time-saving large-scale production processes*, and then insertion of the carrier module on the insulated housing (1), thereby simplifying the overall manufacture of a refrigeration appliance can be considerably simplified, reducing the installation of supply lines for these functional elements through the insulating foam layer, and reducing assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

The Miozza et al reference very clearly does not teach or suggest these features. Instead, the Miozza et al reference merely discloses a quick chill and quick thaw pan mullion assembly 124 for an interior of a refrigerator. The quick chill and quick thaw pan mullion assembly 124 is disposed over a slide-out bottom drawer or pan 122 in the refrigerator compartment, not *on* the insulated housing of the refrigerator that forms the compartment. Indeed, the Office Action dated June 17, 2009, alleges that the quick chill and quick thaw pan mullion assembly 124 is part of the insulated housing. Hence, the alleged carrier module clearly is *in* the insulated housing, not *on the insulated housing of the refrigerator*, as claimed.

In stark contrast, the present application clearly provides a refrigerator including an insulated housing (body 1) and door 2 having a double-shell construction with an inside wall 3 and an outer wall 4 tightly enclosing a cavity 5 filled with insulating foam. The carrier module is located *on* the insulated housing (1), as illustrated for example, in Figure 1.

In this manner, the present invention provides a compact, integral arrangement of functional elements on a carrier module *that allows assembly of the modules using time-saving large-scale production processes*, and then insertion of the carrier module on the insulated housing (1), thereby simplifying the overall manufacture of a refrigeration appliance can be considerably simplified, reducing the installation of supply lines for these functional elements through the insulating foam layer, and reducing assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

In the Response to Arguments and the grounds of rejection over the Miozza et al reference, the Office Action dated June 17, 2009, takes the position that the housing of the Miozza et al reference (as illustrated in the modified Figure 2 of the Office Action) inherently has some insulated properties (as all materials allegedly do) and allegedly continues to read on the claims as recited.

M.P.E.P. § 2111 states that “[d]uring patent examination, the pending claims must be “given their broadest ***reasonable*** interpretation ***consistent with the specification***.” [...] the “PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification.”). [...] The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.”

Appellants respectfully submit that the Office Action's position that all materials inherently have some insulated properties, and therefore, that the housing of Miozza et al reference inherently is insulated, clearly fails to give the claimed term "insulated" its broadest reasonable interpretation consistent with the specification, or its ordinary usage as would be understood by one of ordinary skill in the art.

Indeed, if all materials reasonably were interpreted to be "insulated" irrespective of whether they are described as being insulated, then the term "insulated" would be rendered meaningless. Clearly, it would not be reasonable to interpret the claims in a manner that would render the claimed term to be meaningless.

Moreover, one of ordinary skill in the art, after reading the specification of the present application, clearly would not reasonably interpret an insulated housing to mean any housing formed from any material.

Furthermore, the interpretation that all materials inherently are insulated clearly is inconsistent with the specification of the present application. For example, the present application clearly discloses that the refrigerator includes a body 1 and door 2 having a double-shell construction with an inside wall 3 and an outer wall 4 tightly enclosing a cavity 5 filled with insulating foam. The carrier module is located on the insulated housing 1, 2 as illustrated for example, in Figure 1.

As explained above, the present invention describes that these features provide a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then

insertion of the carrier module on the insulated housing (1), thereby simplifying the overall manufacture of a refrigeration appliance, reducing the installation of supply lines for these functional elements through the insulating foam layer, and reducing assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

Thus, the Office Action's position that *all* materials inherently have some insulated properties, and therefore, *that the housing of the Miozza et al reference inherently is insulated*, clearly fails to give the claimed term "insulated" its broadest reasonable interpretation consistent with the specification, or its ordinary usage as would be understood by one of ordinary skill in the art. Hence, the Office Action fails to establish that the features of independent claim 14 are anticipated by the Miozza et al reference.

Additionally, in the Response to Arguments and the grounds of rejection over the Miozza et al reference, the Office Action dated June 17, 2009, takes the position that, even if one disagrees with the positions set forth in the rejection under 35 U.S.C. § 102, it would have been obvious to one of ordinary skill in the art as a simple matter involving predictable results to further insulate the housing of the Miozza et al reference for the purpose of reducing heat exchange between the compartment and the rest of the refrigerator when the temperature within the compartment is set at a different temperature.

The Advisory Action dated August 26, 2009, asserts that the rejection is proper because the Office Action states that it would have been obvious to one of ordinary skill in the art to insulate the housing of Miozza for the purpose of reducing heat exchange between the

compartment and the rest of the refrigerator when the temperature within the compartment is set at a different temperature.

Appellants respectfully submit that it would not have been obvious to modify the Miozza et al reference in the manner alleged in the Office Action. The Office Action makes the conclusory statement that such would have been obvious because "to one of ordinary skill in the art as a simple matter involving predictable results to further insulate the housing of the Miozza et al reference for the purpose of reducing heat exchange between the compartment and the rest of the refrigerator when the temperature within the compartment is set at a different temperature." Appellant respectfully submits that such a conclusory statement is insufficient to provide a prima facie case for obviousness because the Office Action fails to provide an adequate rationale for modifying the prior art to arrive at the claimed invention, as required by KSR International v. Teleflex Inc. 82 U.S.P.Q. 2d 1385 (2007).

"[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness." (In re Kahn, 441 F.3d 977, 988 (CA Fed. 2006) cited with approval in KSR).

The Office Action does not provide an articulated reasoning with any rationale underpinning to support a legal conclusion of obviousness of the claimed invention. As such, the Office Action fails to present a prima facie case for obviousness of the claimed invention.

As explained above, independent claim 14 recites a carrier module located *on* the insulated housing Emphasis added. As explained above, these features are important for

providing a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module on the insulated housing (1), thereby simplifying the overall manufacture of a refrigeration appliance, reducing the installation of supply lines for these functional elements through the insulating foam layer, and reducing assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

Applicants respectfully submit that the alleged modification of insulating the housing of the Miozza reference for the purpose of reducing heat exchange between the compartment and the rest of the refrigerator when the temperature within the compartment is set at a different temperature still fails to disclose or suggest that the carrier module located *on* the insulated housing. Indeed, in contrast to the claimed invention, the final Office Action dated June 17, 2009, alleges that the carrier module is located in the alleged insulated housing, not *on* the alleged insulated housing.

Again, Appellants respectfully submit that it would not have been obvious to modify the Miozza et al reference in the manner alleged in the Office Action.

Moreover, the Miozza et al reference clearly fails to even address or contemplate the problems being solved by the present invention, which includes providing a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module *on* the insulated housing (1), thereby simplifying the overall manufacture of a refrigeration

appliance can be considerably simplified, reducing the installation of supply lines for these functional elements through the insulating foam layer, and reducing assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

Thus, one of ordinary skill in the art would not have been motivated to modify the features of the Miozza et al reference to arrive at the features of independent claim 14.

For at least these reasons, the Miozza et al reference does not disclose or suggest the subject matter defined by independent claim 14. As explained above, these features are important for providing a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module on the insulated housing (1), thereby simplifying the overall manufacture of a refrigeration appliance, reducing the installation of supply lines for these functional elements through the insulating foam layer, and reducing assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

The Examiner's Answer and the Examiner's Response to Arguments

The Examiner's Answer dated January 19, 2010, provides a further explanation regarding the grounds of rejection along with a Response to Appellants' Arguments.

The Examiner's Answer asserts, at page 4, first full paragraph, that:

For the record, it is further noted that the compartment of Miozza et al. is in fact in contact with the insulated rear wall of the refrigerator (as illustrated in Figure 2). Accordingly, it is proper to consider the compartment as being insulated (there is nothing that requires that the whole compartment housing be insulated, or that the carrier module be mounted on that portion of the housing that is insulated).

Appellants respectfully submit that these assertions in the Examiner's Answer clearly are inconsistent with a reasonable interpretation of the claims as would be given by one of ordinary skill in the art after reading the specification of the present application.

As explained above, M.P.E.P. § 2111 states that "[d]uring patent examination, the pending claims must be "given their broadest *reasonable* interpretation *consistent with the specification*." [...] the "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification."). [...] The *broadest reasonable interpretation* of the claims must also be consistent with the interpretation that those skilled in the art would reach." Emphasis added.

The Examiner's Answer asserts that the compartment of the Miozza et al reference is considered to be insulated simply by being "*in contact with* the insulated rear wall of the refrigerator" and that this interpretation is proper because there allegedly is nothing that

requires that the whole compartment housing be insulated, or that the carrier module be mounted on that portion of the housing that is insulated.

Appellants respectfully submit that the Examiner's Answer clearly fails to give the claimed term "insulated housing" its broadest *reasonable* interpretation *consistent* with the specification, or its ordinary usage as would be understood by one of ordinary skill in the art.

Indeed, Appellants respectfully submit that interpreting an insulated housing to be any non-insulated housing that merely contacts an actual insulated housing not only is contrary to the ordinary meaning that would be given to the term "insulated housing" by one of ordinary skill in the art, but also fails to consider the context of this term in the specification and claims.

Moreover, Appellants respectfully submit that these assertions in the Examiner's Answer clearly fail to consider the claimed invention as a whole, which clearly provides a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module **on the insulated housing (1)**, thereby simplifying the overall manufacture of a refrigeration appliance, **reducing the installation of supply lines for these functional elements through the insulating foam layer**, and reducing assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

Contrary to the assertions in the Office Action and Examiner's Answer, when properly considered, the Miozza et al reference simply teaches a drawer assembly 124 **for an interior of**

a refrigerator that has absolutely nothing to do with the features of the claimed invention, or for that matter, the problems being solved by the claimed invention.

Hence, the Office Action fails to establish that the features of independent claim 14 are anticipated by the Miozza et al reference.

Appellants respectfully request withdrawal of this rejection.

Independent claim 27

Appellants respectfully submit that Independent claim 27 is patentable over the Miozza et al reference for at least the same reasons as independent claim 14, as well as for the additional features recited therein.

For example, the Miozza et al reference very clearly does not disclose or suggest a **compartment** formed in an upper cover of the insulated housing, and a carrier module located in the insulated housing compartment, as recited in claim 27. As explained above, these features are important for providing a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module on the insulated housing (1), thereby simplifying the overall manufacture of a refrigeration appliance can be considerably simplified, reducing the installation of supply lines for these functional elements through the insulating foam layer, and reducing assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

In stark contrast, the Miozza et al reference merely discloses a quick chill and quick thaw pan mullion assembly 124 for an interior of a refrigerator. The quick chill and quick thaw pan mullion assembly 124 is disposed over a slide-out bottom drawer or pan 122 in the refrigerator compartment, not on the insulated housing of the refrigerator and not in a compartment formed in an upper cover of the insulated housing, as recited in claim 27.

The Miozza et al reference very clearly does not teach or suggest all of the features of independent claim 27. Indeed, the Office Action dated June 17, 2009, does not cite any support for the claimed compartment in the rejection. See, e.g., Office Action at page 6, last paragraph.

In stark contrast, the present invention provides a compartment (12) formed in an upper cover (9) of said insulated housing (1) (see, e.g., page 5, lines 4-8; Figure 1); a carrier module (13) located in said insulated housing compartment (12) (see, e.g., page 5, lines 8-14; Figure 1); said carrier module (13) including a control circuit (20)

The Examiner's Answer and the Examiner's Response to Arguments

The Examiner's Answer dated January 19, 2010, asserts, at page 13, second full paragraph, that:

Miozza et al. clearly teach the carrier module being located in a compartment formed in an upper cover of the housing compartment (mullion 124 fits into cavity (i.e., compartment) on the upper cover portion of the housing of the quick chill compartment as illustrated in Figure 2).

Contrary to the assertions in the Examiner's Answer, Appellants respectfully submit that the Miozza et al reference fails to disclose the alleged cavity or compartment into which the mullion 124 allegedly fits. The Examiner's Answer does not identify what features form the alleged "compartment." As explained above, the Miozza et al reference merely discloses a quick chill and quick thaw pan mullion assembly 124 for an interior of a refrigerator and that is disposed over a slide-out bottom drawer or pan 122 in the refrigerator compartment. The assembly 124 is not in a compartment formed in an upper cover of the insulated housing, as recited in claim 27.

Moreover, the Miozza et al reference very clearly does not disclose or suggest at least one illuminating agent for illuminating at least some of said inner area; and said carrier module including at least one window formed therein through which said inner area can be lit up by said illuminating agent, as recited in claim 27.

Contrary to the assertions in the Office Action dated June 17, 2009, the transparent protective layer covering the display panel 126 has nothing to do with the illuminating agent 206, as shown in Figures 4-8 of the Miozza et al reference. Thus, the Office Action does not establish how the Miozza et al reference teaches or suggests at least one illuminating agent for illuminating at least some of said inner area; and said carrier module including at least one window formed therein through which said inner area can be lit up by said illuminating agent, as recited in claim 27.

In stark contrast, the present invention provides at least one illuminating agent (38) for illuminating at least some of said inner area (6) (see, e.g., page 6, lines 11-16; page 8, lines 8-

11; Figures 2, 4, and 6); and said carrier module (13) including at least one window (33, 34) formed therein through which said inner area (6) can be lit up by said illuminating agent (38) (see, e.g., page 6, lines 11-16; page 7, lines 31-35; page 8, lines 1-20; Figures 2, 4, and 6.

The Examiner's Answer and the Examiner's Response to Arguments

The Examiner's Answer dated January 19, 2010, asserts, at page 14, first full paragraph, that:

Figure 7 of Miozza et al. teaches illuminating agent 206 located in a window portion of base 210 for illuminating at least some of the inner area (see light positioning in Figure 6 which shines in drawer through hole/window 240). Emphasis added Appellants.

Contrary to the assertions in the Examiner's Answer, the Miozza et al reference very clearly does not disclose or suggest at least one illuminating agent for illuminating at least some of said inner area; and said carrier module including at least one window formed therein through which said inner area can be lit up by said illuminating agent, as recited in claim 27.

Instead, the illuminating agent 206, as clearly shown in Figures 4-7, and particularly in Figure 6, of the Miozza et al reference, extends down into the drawer. Hence, the illuminating agent 206 does not illuminate through a window. Rather, the illuminating agent 206 directly illuminates the inside of the drawer by being inserted into the drawer. The Miozza et al

reference does not disclose anything that is remotely related to a window through which the inner area can be lit up by the illuminating agent.

For at least these reasons, the Miozza et al reference does not anticipate or render obvious the features of the claimed invention, as recited in claim 27.

Appellants respectfully request withdrawal of this rejection.

- b. Claim 18 is patentable under 35 U.S.C. § 103(a) over the Miozza et al reference in view of the Bourner reference (US 4,285,391)

In the Office Action, claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Miozza et al reference in view of the Bourner reference (US 4,285,391).

Appellants respectfully traverse this rejection.

As explained above, the Miozza et al reference does not disclose or suggest the subject matter defined by independent claim 14. The Bourner reference does not make up for the deficiencies of the Miozza et al reference, and indeed, is not relied upon for these features.

Appellants respectfully submit that none of the applied references discloses or suggests the features of the claimed invention, as recited in independent claim 14. As explained above, these features are important for providing a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module on the insulated housing (1), thereby simplifying the overall manufacture of a refrigeration appliance

can be considerably simplified, reducing the installation of supply lines for these functional elements through the insulating foam layer, and reducing assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

Appellants respectfully request withdrawal of this rejection.

- c. Claim 19 is unpatentable under 35 U.S.C. § 103(a) over the Miozza et al reference in view of the Graf reference (DE 3404256)

In the Office Action, claim 19 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Miozza et al reference in view of the Graf reference (DE 3404256).

Appellants respectfully traverse this rejection.

As explained above, the Miozza et al reference does not disclose or suggest the subject matter defined by independent claim 14. The Graf reference does not make up for the deficiencies of the Miozza et al reference, and indeed, is not relied upon for these features.

Appellants respectfully submit that none of the applied references discloses or suggests the features of the claimed invention, as recited in independent claim 14. As explained above, these features are important for providing a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module on the insulated housing (1), thereby simplifying the overall manufacture of a refrigeration appliance can be considerably simplified, reducing the installation of supply lines for these functional

elements through the insulating foam layer, and reducing assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

Appellants respectfully request withdrawal of this rejection.

- d. Claim 20 is patentable under 35 U.S.C. § 103(a) over the Miozza et al reference, the Graf reference, and further in view of the Meuer reference (US 2,206,102)

In the Office Action, claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Miozza et al reference, the Graf reference, and further in view of the Meuer reference (US 2,206,102).

Appellants respectfully traverse this rejection.

As explained above, the Miozza et al reference does not disclose or suggest the subject matter defined by independent claim 14. The Graf reference and the Meuer reference do not make up for the deficiencies of the Miozza et al reference, and indeed, are not relied upon for these features.

Appellants respectfully submit that none of the applied references discloses or suggests the features of the claimed invention, as recited in independent claim 14. As explained above, these features are important for providing a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module on the insulated housing (1), thereby simplifying the overall manufacture of a refrigeration appliance

can be considerably simplified, reducing the installation of supply lines for these functional elements through the insulating foam layer, and reducing assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11.

Appellants respectfully request withdrawal of this rejection.

- e. Claims 22 and 23 are patentable under 35 U.S.C. § 103(a) over the Miozza et al reference in view of the Lee et al reference (US 2002/0071903)

In the Office Action, claims 22 and 23 are rejected under 35 U.S.C. § 103(a) as being obvious over the Miozza et al reference in view of the Lee et al reference (US 2002/0071903).

Appellants respectfully traverse this rejection.

As explained above, the Miozza et al reference does not disclose or suggest the subject matter defined by independent claim 14. The Lee et al reference does not make up for the deficiencies of the Miozza et al reference, and indeed, is not relied upon for these features.

Appellants respectfully submit that none of the applied references discloses or suggests the features of the claimed invention including a carrier module located on the insulated housing, the carrier module including a control circuit for controlling the refrigerating capacity of the refrigeration appliance in the inner area depending on a temperature measuring signal related to the temperature in the inner area, at least one of an operating element for at least one of adjusting an operational parameter of the refrigeration appliance and a display element for displaying an operational parameter of the refrigeration

appliance, and at least one illuminating agent for illuminating at least some of the inner area, as recited in independent claim 14.

As explained above, these features are important for providing a compact, integral arrangement of functional elements on a carrier module that allows assembly of the modules using time-saving large-scale production processes, and then insertion of the carrier module on the insulated housing (1), thereby simplifying the overall manufacture of a refrigeration appliance can be considerably simplified, reducing the installation of supply lines for these functional elements through the insulating foam layer, and reducing assembly time and manufacturing costs of the refrigeration appliance. See, e.g., page 1, lines 33-35, and page 2, lines 1-11. Appellants respectfully request withdrawal of this rejection.

(8) CONCLUSION

In view of the foregoing discussion, Appellants respectfully request reversal of the Examiner's rejections.

Respectfully submitted,

/Andre Pallapies/

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March 15, 2010

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CLAIMS APPENDIX

1-13 (Canceled)

14. (Rejected) A refrigeration appliance, comprising:
an insulated housing;
said insulated housing enclosing an inner area;
said inner area enclosed by a door;
a carrier module located on said insulated housing; and
said carrier module including a control circuit for controlling the refrigerating capacity of the refrigeration appliance in said inner area depending on a temperature measuring signal related to the temperature in said inner area, at least one of an operating element for adjusting an operational parameter of said refrigeration appliance and a display element for displaying an operational parameter of said refrigeration appliance, and at least one illuminating agent for illuminating at least some of said inner area.

15. (Rejected) The refrigeration appliance according to claim 14, including a compartment for said carrier module formed in an upper cover of said housing.

16. (Rejected) The refrigeration appliance according to claim 15, including said cover designed as a side or table plate fixed to the housing exterior.

17. (Rejected) The refrigeration appliance according to claim 15, including said carrier module and said compartment have at least a pair of electrical pin-and-socket connectors complementary to one another.

18. (Rejected) The refrigeration appliance according to claim 17, including said carrier module can be inserted into said compartment and said pin-and-socket connectors are arranged in a self-contacting manner when said carrier module is inserted into said compartment.

19. (Rejected) The refrigeration appliance according to claim 17, including said pin-and-socket connectors of said compartment each are arranged on a mobile cable and said carrier module includes a strain relief on which said cable can be fastened.

20. (Rejected) The refrigeration appliance according to claim 19, including said strain relief is formed as a meandering channel in which said cable can be placed.

21. (Rejected) The refrigeration appliance according to claim 15, including said carrier module has a free outer face facing an upper edge of said door and including at least one window formed in said free outer face through which said inner area can be lit up by said illuminating agent located in said carrier module.

22. (Rejected) The refrigeration appliance according to claim 21, including said window has a glass pane.
23. (Rejected) The refrigeration according to claim 22, including said glass pane is fixed to said carrier module.
24. (Rejected) The refrigeration appliance according to claim 21, including said carrier module bears a removable cover, which covers said illuminating agent.
25. (Rejected) The refrigeration appliance as claimed according to claim 15, including a door-opening sensor arranged on said carrier module.
26. (Rejected) The refrigeration appliance according to claim 15, including said inner area fitted with tray-shaped cool goods compartments, which can be withdrawn like a drawer.
27. (Rejected) A refrigeration appliance, comprising:
- an insulated housing;
 - said insulated housing enclosing an inner area;
 - said inner area enclosed by a door;
 - a compartment formed in an upper cover of said insulated housing;

a carrier module located in said insulated housing compartment;

said carrier module including a control circuit for controlling the refrigerating capacity of the refrigeration appliance in said inner area depending on a temperature measuring signal related to the temperature in said inner area, at least one of an operating element for adjusting an operational parameter of said refrigeration appliance and a display element for displaying an operational parameter of said refrigeration appliance, and at least one illuminating agent for illuminating at least some of said inner area; and

said carrier module including at least one window formed therein through which said inner area can be lit up by said illuminating agent.

EVIDENCE APPENDIX

None

RELATED APPEALS APPENDIX

None